THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23682 of 2007

Date: 17.12.2007

Between:

Jonnala Avatharam
& others.

... Petitioners

AND

The District Collector,
East Godavari District at Kakinada
& others.

... Respondents

Counsel for the petitioners : Smt. K. Sesharajyam

Counsel for the respondents: Assistant Government Pleader
for Land Acquisition

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23682 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare notification dated 21.09.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') by which various extents shown in the writ petition belonging to the petitioners are proposed to be acquired as null and void.

The respondents have filed counter affidavit.

At the hearing, Smt. K. Sesharajyam, learned counsel for the petitioners submitted that since stay of dispossession was granted permitting the respondents to complete legal formalities, the petitioners filed their objections and participated in the enquiry held by respondent No.2. She, however, stated that so far, respondent No.1 has not passed any orders on the report said to have been sent by respondent No.2.

Learned Assistant Government Pleader for Land Acquisition stated that after holding enquiry, respondent No.2 submitted his report to respondent No.1 and the latter is yet to pass orders on the objections submitted by the petitioners.

In the abovementioned circumstances, I am not inclined to dispose of the writ petition on merits because in the event respondent No.1 accepts the objections of the petitioners this exercise would prove to be a futility.

Therefore, without going into the merits of the case, the writ petition is disposed of with liberty to the petitioners to question the

order to be passed by respondent No.1, if the same is against their interest. It is also made clear that the issue relating to non-conversion of the agricultural land is permitted to be raised by the petitioners, if need be in future.

It is needless to observe that if respondent No.1 rejects the objections of the petitioners, he shall serve copies of order on them to enable them to avail their remedies.

As a sequel to disposal of the writ petition, WPMP.No.30838 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

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C.V.NAGARJUNA REDDY, J

Date: 17.12.2007
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